

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of *
*
McCAUSLAND, Linda, Jane et al. * Office of PCT Legal
* Administration
Serial No. 10/591,795 *
* Attorney Advisor:
Filed: (September 6, 2006) * James Thomson
*

For: REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

REQUEST FOR RECONSIDERATION
OF
PETITION UNDER 37 CFR 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Decision dated 13 August 2008.

Submitted herewith is an additional DECLARATION OF FACTS which was executed by Peter T. Mansfield on September 26, 2008 in accord with 18 U.S.C. 1001.

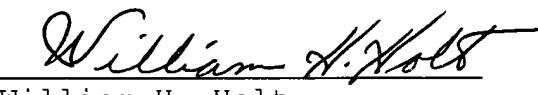
The DECLARATION OF FACTS details a renewed attempt to contact Ms. McCausland at her last known address, providing her with a complete copy of the application papers and seeking to obtain her signature on the Declaration and Power of Attorney and Assignment for the application (File 15819). The DECLARATION OF FACTS also applies to U.S. Patent Application No. 11,629,894 (File 15864) in which a Response is being filed to a 371 Formalities Letter.

In view of the stated facts and supporting documents attached thereto, taken in conjunction with the information in the submissions of October 10, 2007 and June 23, 2008, it is submitted that the application should now be accepted under the provisions of 37 CFR 1.47 (Rule 47).

Favorable action is courteously requested.

October 13, 2008

Respectfully submitted,



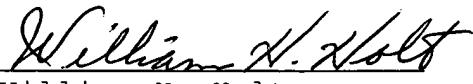
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Certificate of Mailing

I hereby certify that this document is being mailed in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 with postage prepaid for first class mail on October 14, 2008.



William H. Holt

DECLARATION OF FACTS

IN THE MATTER OF UNITED STATES PATENT APPLICATIONS:

Serial No. 10/591,795, McCausland, Linda Jane *et al.* – (File 15819)

Serial No. 11/629,894, McCausland, Linda Jane *et al.* – (File 15864)

I, Peter T. Mansfield, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 United States Code, Section 1001, and that such willful statements, and the like, may jeopardize the validity of the respective applications and any resulting Letters Patents, declare:

That I am a Chartered Patent Attorney practising in the United Kingdom.

That I am properly authorized to execute this Declaration on behalf of the owner, Accentus plc, of the above identified applications for patent and the inventions disclosed therein.

That I have first hand knowledge of the following facts, statements and documents.

That I have been and am presently involved with the prosecution of the above two identified U.S. Patent Applications and prior related PCT applications.

That Linda Jane McCausland, by the terms of her employment at the time of making of the inventions, is obligated to sign the papers for filing of the two applications described above.

This Declaration is additional to the Declaration that I submitted on 23 June 2008 (copy enclosed).

I attach copies of papers from our records for each of the above cases, as summarised below. We sent copies of the published PCT specification and the claim amendments, for each of the above cases, to Linda McCausland on 5 September 2008. In each case we also enclosed a Combined Declaration and Power, and an Assignment to transfer the patent application to Accentus plc. These documents were all sent with a single letter, along with a stamped addressed envelope for return of the signed documents. The letter was sent by courier, to ensure safe delivery.

15819 MdH:

5 September 2008 covering letter sent to Linda McCausland with copy of PCT publication, Declaration and Assignment

5 September 2008 shipment receipt from DHL

8 September 2008 detailed report from DHL to confirm delivery

15864 MdH:

5 September 2008 covering letter sent to Linda McCausland with copy of PCT publication, Declaration and Assignment

It will be appreciated that a single covering letter was sent that included all the documents listed above under 15819 MdH and also those listed under 15864 MdH. The shipment receipt and the detailed report from DHL that are listed under 15819 MdH relate equally to file 15864 MdH.

We have not heard back from Linda McCausland at all, nor have we received any documents returned by her. Her inaction is an indication that she is not signing the documents. As explained in the previous Declaration of 23 June 2008, Linda McCausland has not signed any such documents over a period of over two years! Clearly, her lack of action speaks louder than words.

In view of the foregoing, one must conclude that the conduct of Linda Jane McCausland constitutes a refusal to sign the application papers (MPEP 409.03(d)).

September 26, 2008

Respectfully submitted,


Peter T. Mansfield

coller ipmanagement

Mrs L.J. McCausland
20 Shepherd Gardens
Abingdon
Oxfordshire OX14 5PR

Fugro House
Hethercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659

Our Reference: 15819 and 15864 MdH

5 September 2008

Dear Linda

**FORMS FOR SIGNATURE RE:
USA NATIONAL PHASE PATENT APPLICATIONS
PCT APPLICATION NOS: PCT/GB2005/00812 AND
PCT/GB2005/050092
URGENT**

I understand you have now returned to the UK. I hope your new work is going well.

There were some forms that you apparently weren't able to sign while you were in the USA. I therefore now enclose the following documents for your signature:

15819 MdH - Removal of sodium oxalate from a Bayer liquor

- copy of the published PCT specification (with the claim amendments indicated by a date in the top right-hand corner, and the deleted pages crossed through in red)

- Combined Declaration and Power (showing the PCT filing information and amendment dates)
- Assignment to Accentus plc

15864 MdH - Precipitation of Gibbsite from a Bayer Liquor

- copy of the published PCT specification (with the claim amendments indicated by a date in the top right-hand corner, and the deleted pages crossed through in red)

- Combined Declaration and Power (showing the PCT filing information and amendment dates)
- Assignment to Accentus plc

I have marked in pencil to show the line on which the documents need signing.

Would you therefore please sign both the Combined Declarations, and both the Assignments, and please sign them all on the same day. Then please return all four of these documents in the enclosed stamped addressed envelope.

I look forward to hearing from you.

Yours sincerely

**Peter Mansfield
Chartered Patent Attorney**



Shipment Receipt

Shipment From

Coller IP Management
Frances Esplin
Fugro House
Hethercroft Road

Wallingford Oxfordshire OX10 9RB
United Kingdom
08704021614

Shipment To

Mrs L J McCausland
Linda McCausland
20 Shepherd Gardens

Abingdon OX14 5PR
United Kingdom
01235 201355

Shipment Details

Date of Shipment : 05/09/2008
Airwaybill Number : 3284053242
Service Type : EXPRESS 12:00
Number of Pieces : 1
Total Weight : 0.2 kg(s)
Insured Amount : £0.00
Volumetric Weight : 0 kg(s)

International Information

Declared Value : £0.00
Duties and Taxes : Paid by Recipient

Special Services**Billing Information**

Payment Type : Shipper Account
Billed Account : 138981994

Reference Information

Reference : 15819 MdR & 15864 MdR

Description of Contents

Documents

Picked up by DHL Courier

Time _____ AM / PM

These are the results of your query

Times given are local to the service area in which the shipment checkpoint is recorded

Airwaybill Number	Origin Service Area	Destination Service Area	Status
<u>3284053242</u>	<u>Oxford - UK</u>	<u>Oxford - UK</u>	Signed for by: MCCausland Shipment delivered September 08, 2008 09:52

3284053242 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
September 05, 2008	15:48	Oxford - UK	Shipment picked up
September 05, 2008	18:22	Oxford - UK	Departing origin
September 05, 2008	19:19	Oxford - UK	Departed from DHL facility in Oxford - UK
September 05, 2008	21:16	London-Heathrow - UK	Arrived at DHL facility in London-Heathrow - UK
September 08, 2008	08:08	Oxford - UK	With delivery courier
September 08, 2008	09:52	Oxford - UK	Shipment delivered